

DOCKET NO: 267329US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Jean-Thierry SIMONNET : EXAMINER: KASSA, TIGABU
SERIAL NO: 10/529,743 :
FILED: MARCH 29, 2005 : GROUP ART UNIT: 1619
FOR: PROCESS FOR DISSOLVING :
LIPOPHILIC COMPOUNDS IN
AQUEOUS SOLUTION WITH
AMPHIPHILIC BLOCK
COPOLYMERS, AND COSMETIC
COMPOSITION

STATEMENT OF THE SUBSTANCE OF INTERVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313
SIR:

Applicant's representative wishes to thank Examiner Kassa for the helpful telephone interview on July 15, 2010, in which the following was discussed:

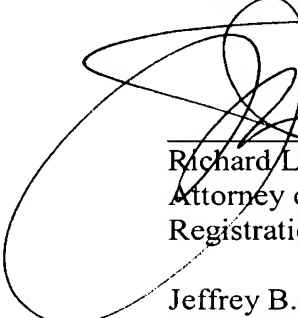
The prior art of record was discussed in view of case laws and citations from MPEP. Applicant's attorney argued about the use of the transitional phrase "consisting essentially of" excluded the inclusion of Seo's PEG. The examiners argued applicant's attorney by citing MPEP 2111.03 that for the purposes of searching for and applying prior art under 35 U.S.C. §§ 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." The examiners also argued that applicant also should have support for the criticality of avoiding other solvents in the

composition in the original disclosure. The examiners also argued to applicant's attorney that if an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the introduction of additional steps or components would materially change the characteristics of applicant's invention. Claims 61 and 62 were discussed in terms of the claimed solvents and suggestions of possible amendments were made.

Accordingly, it is respectfully submitted that this statement is a proper recordination of the substance of the interview conducted on July 15, 2010, in compliance with MPEP § 713.04.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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